

DFEH News Brief

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DFEH ANNOUNCES HISTORIC \$242,000 JUDGMENT AGAINST ALAMEDA COUNTY LANDLORD IN HOUSING DISCRIMINATION CASE

ELK GROVE, CA -- The California Department of Fair Employment and Housing (DFEH) today announced that it secured one of the largest judgments awarded in a non-class action California housing discrimination case. The \$242,354 judgment against a Fremont property owner was awarded by the Alameda Superior Court after it found that the landlord refused to rent to a family in a civil case the department litigated.

The DFEH complaint stated that the defendant, Harvey Ottovich, posted an ad on Craigslist for an apartment available for rent on Mission Boulevard in Fremont, California. Diane Coleman saw the defendant's Craigslist ad and telephoned Ottovich to inquire about seeing the apartment. According to the complaint, before responding, Ottovich asked Ms. Coleman who would live in the unit. When Coleman told Ottovich she would reside in the apartment with her husband, Ronald Coleman, and their minor daughter, Ottovich told Coleman he wasn't going to rent to her.

After investigating Coleman's complaint, the DFEH filed an accusation with the Fair Employment and Housing Commission alleging that Ottovich violated the Coleman family's right to discrimination-free housing under the Fair Employment and Housing Act (FEHA) and Unruh Civil Rights Act. Ottovich transferred the case to superior court to get it dismissed, but failed.

"This case shows that California's civil rights laws provide critical protection from discrimination," said DFEH Director Phyllis Cheng. "Denying housing to families with children is simply unlawful, and those who defy the FEHA need to realize that California courts will faithfully enforce the law wherever discrimination is found."

Finding that Ottovich had engaged in flagrant discovery abuse, defied the court's orders, and ignored increasingly onerous monetary sanctions, the court terminated the case and placed Ottovich in default. As a defaulter, Ottovich is deemed to have admitted the DFEH's allegations. Thereafter, the court found the DFEH had presented ample evidence supporting an award of damages and awarded the Colemans \$60,588.53. In addition, the court ordered Ottovich to pay another \$181,765.59 to the Coleman family in "treble damages" - triple the amount of the actual damage award - in the hope that the award would effectively communicate to the defendant the need to obey California's fair housing laws.

"In California, those who violate people's rights to fair housing should now know they cannot evade the law," said John Trasviña, U.S. Department of Housing and Urban

Development Assistant Secretary for Fair Housing and Equal Opportunity. "We value our partnership with the DFEH that protects California families and made this result possible."

The mission of the DFEH is to protect the people of California from unlawful discrimination in employment, housing and public accommodations and from hate violence. For more information, visit our Web site at www.dfeh.ca.gov.

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